

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION

JOHN D. HUGHES, individually and as
Successor in interest to JDR GROUP, INC.
d/b/a THE HUNTINGTON GROUP,
PSG SOLUTIONS, LLC, and
HOME HEALTH CARE SOLUTIONS, LLC,

Civil Action File No.

Plaintiff,

v.

CONSOLIDATED STAFFING, INC., and
ADVANCE PROFESSIONAL RESOURCES, INC.,

Defendants.

**DEFENDANTS CONSOLIDATED STAFFING INC. AND
ADVANCE PROFESSIONAL RESOURCES, LLC'S NOTICE OF REMOVAL**

COME NOW Defendants Consolidated Staffing Inc. ("Consolidated") (misidentified as Consolidated Staffing, Inc.) and Advance Professional Resources, Inc. ("Advance") (collectively, "Defendants") and file this Notice of Removal in this action from the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis, pursuant to 28 U.S.C. § 1331, 1441, and 1446. In support of this Notice, Defendants show the Court as follows:

1.

Plaintiff John Hughes ("Plaintiff") brought this action against Defendants in the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis, styled John D. Hughes, individually and as successor in interest to JDR Group, Inc. d/b/a The Huntington Group, PSG Solutions, LLC, and Home Health Care Solutions, LLC v. Consolidated

Staffing, Inc., and Advance Professional Resources, Inc., Case No. CH-17-0638, Part I, on May 1, 2017 (the “State Court Action”).

2.

On May 5, 2017, Consolidated was served with a Summons and a copy of the Complaint. On May 15, 2017, Advance was served with a Summons and a copy of the Complaint. A true and correct copy of the Summonses and Complaint are attached as a composite Exhibit 1.

3.

Accordingly, pursuant to 28 U.S.C. § 1446(c)(1), this Notice of Removal is being filed less than one year after commencement of this action.

4.

Plaintiff’s Complaint alleges claims under the Fair Labor Standards Act, 29 U.S.C. § 201, et. seq., in addition to various state law claims. Accordingly, removal is proper based on federal question jurisdiction under 28 U.S.C. § 1331.

5.

A copy of this Notice of Removal has been served upon Plaintiff’s counsel. Also, as required by 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis, the court in which the State Court Action was filed.

6.

As required under 28 U.S.C. § 1446(a), Consolidated and Advance have attached as Exhibit 1 to this Notice of Removal a copy of all processes, pleadings and orders received by them in the State Court Action.

7.

Consolidated and Advance's Answers or other Responses to the Complaint were not due prior to filing this Notice of Removal. By filing this Notice of Removal, Consolidated and Advance do not waive any defense or counterclaim that may be available to it. As required under Fed. R. Civ. P. 81(c)(2), Consolidated and Advance will respond to the Complaint within seven (7) days of filing this Notice of Removal, unless an extension of the deadline is properly obtained pursuant to Court procedures.

WHEREFORE, Consolidated and Advance respectfully request that the State Court Action now pending in the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis be removed therefrom and proceed in this Court as an action duly removed.

Respectfully submitted, this 5th day of June 2017.

/s/ Charles Silvestri Higgins
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Attorneys for Defendants

**pro hac vice application to be submitted*

CERTIFICATE OF SERVICE

The undersigned do hereby certify that a true and exact copy of the foregoing NOTICE OF FILING OF REMOVAL was served upon Malcolm B. Futhey, III, THE FUTHEY LAW FIRM PLC, 1440 Poplar Avenue, Memphis, Tennessee 38104, by placing the same in the U.S. Mail, first-class postage prepaid, this 5th day of June 2017.

/s/ Charles Silvestri Higgins